

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

United States of America,

Criminal No. 21-20013

Plaintiff,

Honorable Matthew F. Leitman

v.

Violations:

18 U.S.C. §§ 922(g)(1) and 3147(1)

Montinez Smith,

Defendant.

\_\_\_\_\_ /

**INFORMATION**

THE UNITED STATES ATTORNEY CHARGES:

**COUNT ONE**

**18 U.S.C. §§ 922(g)(1) and 3147(1) - Possession of a Firearm by a Prohibited Person**

1. On or about August 18, 2020, in the Eastern District of Michigan, defendant, Montinez Smith, knowing he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting interstate and foreign commerce, a firearm, that is, an HS Produkt (Springfield Armory), model XD-9, 9mm caliber, semiautomatic pistol, in violation of Title 18, United States Code, Section 922(g)(1).

2. Montinez Smith committed this offense while on release pursuant to an order dated October 16, 2019, from the United States District Court for the Eastern District of Michigan, Case No. 19-cr-20802, which notified Montinez

Smith of the potential effect of committing an offense while on pretrial release, and, therefore, is subject to an enhanced penalty of up to ten years imprisonment, pursuant to Title 18, United States Code, Section 3147(1).

**FORFEITURE ALLEGATION**  
**18 U.S.C. § 924(d) and 28 U.S.C. § 2461**

3. The allegations contained in Count One of this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

4. Upon conviction of the offense charged in Count One of this Information, defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and 28 United States Code, Section 2461, any firearm involved in said offense including but not limited to an HS Produkt (Springfield Armory), model XD-9, 9mm caliber, semiautomatic pistol.

5. Substitute Assets: If the property described above as being subject to forfeiture, as a result of any act or omission of defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c).

MATTHEW SCHNEIDER  
United States Attorney

ANTHONY VANCE  
Chief, Branch Offices



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ANN NEE  
Assistant United States Attorney

Dated: January 8, 2021

<b>United States District Court Eastern District of Michigan</b>	<b>Criminal Case Cover Sheet</b>	Case Number:
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	<b>Companion Case Number:</b> 19-cr-20802
This may be a companion case based on LCrR 57.10(b)(4) <sup>1</sup> :	<b>Judge Assigned:</b> Matthew F. Leitman
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>AUSA's Initials:</b> AN

**Case Title:** USA v. Montinez Smith

**County where offense occurred:** Genesee

**Offense Type:** Felony

Information -- based upon prior complaint [**Case number:** 20-mj-30313]

### Superseding Case Information

**Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

**Reason:**

**Defendant Name**

**Charges**

**Prior Complaint (if applicable)**

**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case**

January 8, 2021

Date

Ann Nee  
Assistant United States Attorney  
600 Church Street  
Flint, MI 48502  
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(810) 766-5177

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.